

Document: Proposed Rule

Source: March 1, 2001, Indiana Register, Volume 24, Number 6

Disclaimer: These documents were created from the files used to produce the official (printed) Indiana Register, however, these documents are unofficial.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #00-270

DIGEST

Adds 312 IAC 20 to govern the activities of the historic preservation review board. Repeals 310 IAC 10. Effective 30 days after filing with the secretary of state.

310 IAC 10

312 IAC 20

SECTION 1. 312 IAC 20 IS ADDED TO READ AS FOLLOWS:

ARTICLE 20. HISTORIC PRESERVATION REVIEW BOARD

Rule 1. Application and Administration

312 IAC 20-1-1 Applicability of review board article

Authority: IC 14-21-1-31

Affected: IC 14-9; IC 14-21-1

Sec. 1. This article governs the functions of the review board. (*Natural Resources Commission; 312 IAC 20-1-1*)

312 IAC 20-1-2 Agency determinations and administrative review

Authority: IC 14-21-1-31

Affected: IC 4-21.5; IC 14-9; IC 14-21-1

Sec. 2. (a) Unless otherwise specified in this title, the review board (or a delegate of the review board) makes the initial determination for any license, sanction, or other order that is subject to IC 4-21.5.

(b) The mailing address for the review board is the division of historic preservation and archaeology. The address for the division is as follows:

**Division of Historic Preservation and Archaeology
Department of Natural Resources
Indiana Government Center-South
402 West Washington Street, Room W274
Indianapolis, Indiana 46204**

(c) The commission is the ultimate authority under this article. A request to the commission for administrative review of an initial determination under subsection (b) must be addressed as follows:

**Division of Hearings
Natural Resources Commission
Indiana Government Center-South
402 West Washington Street, Room W272
Indianapolis, Indiana 46204**

(*Natural Resources Commission; 312 IAC 20-1-2*)

Rule 2. Definitions

312 IAC 20-2-1 Applicability

Authority: IC 14-21-1-31

Affected: IC 14-9; IC 14-21-1

Sec. 1. The definitions in this rule are in addition to those in IC 14 and 312 IAC 1 and apply throughout this article. *(Natural Resources Commission; 312 IAC 20-2-1)*

312 IAC 20-2-2 “Chair” defined

Authority: IC 14-21-1-31

Affected: IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

Sec. 2. “Chair” means the chair of the review board. *(Natural Resources Commission; 312 IAC 20-2-2)*

312 IAC 20-2-3 “Division” defined

Authority: IC 14-21-1-31

Affected: IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1-6

Sec. 3. “Division” refers to the division of historic preservation and archaeology established by IC 14-21-1-6. *(Natural Resources Commission; 312 IAC 20-2-3)*

312 IAC 20-2-4 “Division director” defined

Authority: IC 14-21-1-31

Affected: IC 14-9-1-1; IC 14-9-4-1; IC 14-21

Sec. 4. “Division director” means the director of the division. *(Natural Resources Commission; 312 IAC 20-2-4)*

312 IAC 20-2-5 “Review board” defined

Authority: IC 14-21-1-31

Affected: IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

Sec. 5. “Review board” means the historic preservation review board as established by IC 14-21-1. *(Natural Resources Commission; 312 IAC 20-2-5)*

312 IAC 20-2-6 “State historic preservation officer” or “SHPO” defined

Authority: IC 14-21-1-31

Affected: IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

Sec. 6. “State historic preservation officer” or “SHPO” means the director of the department. *(Natural Resources Commission; 312 IAC 20-2-6)*

Rule 3. Membership and Meetings

312 IAC 20-3-1 Membership

Authority: IC 14-21-1-31

Affected: IC 14-21-1-20

Sec. 1. (a) The review board shall be appointed as provided in IC 14-21-1-20.

(b) If a vacancy occurs in the review board, the SHPO shall appoint a successor to serve for the remainder of the vacated term.

(c) At the end of the term of a member, the SHPO may reappoint the person whose term has expired or appoint a new member of a full three (3) year term.

(d) The staggered terms established under 310 IAC 10-1-3, before its repeal, shall continue in the same sequence under this

section. *(Natural Resources Commission; 312 IAC 20-3-1)*

312 IAC 20-3-2 Officers

Authority: IC 14-21-1-31

Affected: IC 14-21-1

Sec. 2. (a) The state historic preservation officer is the chair of the review board.

(b) The review board shall elect officers, other than the chair, from the membership of the review board during the first meeting of a calendar year. The descriptions and designations of these officers are as determined by the review board.
(Natural Resources Commission; 312 IAC 20-3-2)

SECTION 2. 310 IAC 10 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 26, 2001 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed new rules to govern the activities of the historic preservation review board. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission